



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|------------------------|------------------|
| 10/528,088 | 03/16/2005 | Peter Mank | 5613-104US/P29,746 USA | 7093 |

20802 7590 03/01/2007
SYNNESTVEDT LECHNER & WOODBRIDGE LLP
P O BOX 592
112 NASSAU STREET
PRINCETON, NJ 08542-0592

| |
|----------|
| EXAMINER |
|----------|

PARSLEY, DAVID J

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3643

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/01/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/528,088

Applicant(s)

MANK, PETER

Examiner

David J. Parsley

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12-18-06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 12-18-06 and this action is final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,415,718 to Saxby in view of U.S. Patent No. 6,502,516 to Kinchin.

Referring to claim 1, Saxby discloses a projectile having a head and rear part, manufactured from a pin shaped-anterior part – at 1,4, a rod-shaped central part – at 3, connecting rearwardly therewith – see figures 2a-2c, and a piston-like posterior part – at 2 and the lower portion of 3, wherein the anterior part – at 1, inserts rearwardly into a blind hole – at 4, of the head and is captively connected therewith – see figures 2a-2c, in that the anterior part is executed as a hollow body – see at 1 in figures 2a-2c, and is connected with the central part via a predetermined breaking point – see at the connection of items 3 and 4 in figures 2a-2c, whereby

Art Unit: 3643

at the time of firing the central part pushes into the hollow space of the anterior part to such an extent that the upper surface of the posterior part contacts the lower surface of the anterior part – see figures 2a-2c. Saxby does not disclose the head is metal and the rear is plastic. Kinchin does disclose the head – at 12,20, is metal – see column 3 lines 53-59 and the rear – at 14 is made of plastic – see column 4 lines 18-26. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Saxby and add the head part made of metal and the rear part made of plastic of Kinchin, so as to distribute the weight of the device to gain better aerodynamics and flight characteristics during use.

Referring to claim 2, Saxby as modified by Kinchin further discloses the anterior part is provided with air channels – see at the interior of 4 and – at the interior of 1, which make it possible for air to flow into the hollow space of the anterior part upon penetration of the central part – see figures 2a-2c.

Referring to claims 3 and 4, Saxby as modified by Kinchin further discloses barb-sections – see at 15, are provided on the central part – at 3 – see figures 2a-2c, which upon penetration of the central part into the hollow space of the anterior body grab behind a flange – at the bottom surface of 1, in the walls of the hollow space of the anterior part – see figures 2a-2c.

Response to Arguments

3. Regarding claims 1-4, the Saxby reference US 6415718 discloses at the time of firing which at the first moment of firing the device is in the configuration as seen in figure 2a, the posterior part – at 2, and the lower portion of 3, is pushed/placed into the hollow interior space –

Art Unit: 3643

at 7, of the anterior part – at 1, where upper surface of the posterior part – at 2 and the lower portion of 3, is in contact with the lower surface of the anterior part – at the bottom of 1 as seen in figure 2a. Applicant argues that the device of Saxby causes the anterior and posterior parts to move away from each other instead of towards each other. However, this is after firing as seen in figures 2b-2c and not at the time of firing as seen in figure 2a. Further, these arguments are directed toward intended use/functional limitations in an apparatus' claim and it is deemed that the device of Saxby is capable of performing these functions in that the posterior part – at 2,3 of Saxby is slidable with respect to the anterior part – at 1,4 and therefore can be moved in either direction towards or away from the anterior part. Further, the Kinchin reference US 6502516 is not used to disclose the limitations of the posterior and anterior parts being moved towards each other and the limitations of the pin-shaped anterior part and hole in the head and therefore these arguments are moot. Therefore applicant's arguments are not persuasive.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

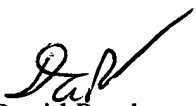
Art Unit: 3643

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Parsley
Patent Examiner
Art Unit 3643